

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JASON R. ODEM , on his own behalf, and	§	
on behalf of those similarly situated,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:08-CV-1196-L
	§	
CENTEX HOMES ,	§	
	§	
Defendant.	§	

ORDER

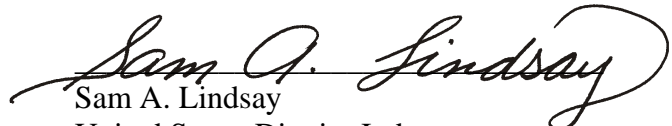
Before the court is Plaintiff's Motion to Retransfer Case Back to Middle District of Florida, filed March 2, 2009. This case has been referred to Magistrate Judge Paul D. Stickney pursuant to Special Order 3-251 and the provisions of 28 U.S.C. § 636(b). The magistrate judge entered Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") with respect to Plaintiff's motion on May 19, 2010. Plaintiff filed no objections to the Report.

The magistrate judge recommends that the court deny Plaintiff's motion to transfer. Plaintiff requests that the court transfer this case back to the Florida district court in which it originated. Plaintiff argues that such transfer is appropriate because the Florida district judge improperly transferred the case to this court. As the magistrate judge found, the Florida district judge properly considered the evidence and arguments in this case before entering his order of transfer. Plaintiff could not identify a single party or witness who resided in Florida and made no indication that he could not sustain the costs of a transfer. Moreover, as the case has been pending in this court since 2008 and substantial discovery has occurred, it is in the interest of justice and judicial economy to have the case remain here. Plaintiff has simply not shown why a transfer back to Florida is

necessary or why the Florida district judge's order of transfer was improper. The court agrees with the magistrate judge and determines that Plaintiff's motion to transfer should be denied.

Having reviewed the filings, record, applicable law, and Report in this case, the court **determines** that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **denies** Plaintiff's Motion to Retransfer Case Back to Middle District of Florida.

It is so ordered this 8th day of June, 2010.


Sam A. Lindsay
United States District Judge